

The State of Texas



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Hope Andrade  
Secretary of State

October 27, 2011

Ms. Jennifer Maranzano  
Voting Section  
Civil Rights Division  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington D.C. 20530

VIA FACSIMILE 202-616-9514

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CIVIL RIGHTS DIVISION

Dear Ms. Maranzano:

In connection with the submission by the State of Texas for pre-clearance of Senate Bill 14, which concerns photo identification for in person voting, you have asked us to provide the Department of Justice with additional analyses beyond those the state has already provided. Specifically, you have asked for the following using racial classification data maintained by the state's Department of Public Safety (DPS):

1. A racial breakdown of voters the state previously represented to the Department of Justice as possessing a driver's license or identification; and
2. A racial breakdown in each county of voters the state previously represented to the Department of Justice as possessing a driver's license or identification.

We are proceeding with the analysis you requested and will provide it as expeditiously as possible. However, please note again that because our office is not required to collect information regarding race from registered voters and there are limitations inherent in the analyses you have asked us to perform, any data we generate with those analyses has a high degree of unreliability. Indeed, in discussing these requests with you, we have previously noted that DPS used the following racial classifications in its driver's license or ID card applications prior to April 2009: American Indian/Alaskan Native, Asian/Pacific Islander, Black, Other, and White. Only in April, 2009 did DPS allow applicants to declare themselves Hispanic. DPS' own database only reflects 3 percent [about a half million] driver's license or identification card holders classified as Hispanic. According to the Census Bureau, 37.6 percent of Texans are Hispanic. As a result, this makes the DPS data highly unreliable for the purposes of analyzing the state's SB 14 submission.

Not only is the number of Hispanics reflected in DPS' database an obvious undercount because that agency did not allow applicants to classify themselves as Hispanic, but it is impossible to identify which classifications Hispanics selected prior to April 2009 when applying for a driver's license or ID card. For this reason, even the data for racial classifications other than Hispanic are unreliable. Correspondingly, any matching of the DPS files to our voter registration database would not produce reliable racial classifications of our voters.

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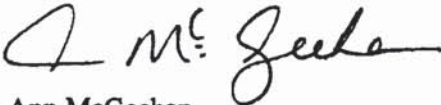
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Ms. Maranzano  
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You have indicated you would still like us to perform the analysis despite knowledge of the foregoing limitations in DPS' data. To deal with the limitations noted above, you have asked that we utilize Hispanic surname analysis to try and substitute for the fact that DPS did not track the Hispanic category prior to April, 2009. However, as noted above, that lack of tracking very likely has corrupted the data on other races. Furthermore, the Hispanic surname analysis itself is fraught with limitations. In a multi-racial state such as Texas with a large Hispanic population and a long history of interaction between races, there are likely to be many people in Texas with Hispanic surnames that are not Hispanic. Similarly, many Hispanics in Texas may have married and taken surnames that are not Hispanic. Adopted Texans may also have surnames that are not indicative of their biological race. As a result, Hispanic surname analysis will not reliably compensate for the deficiencies in the DPS racial classification data.

Please let us know if you have any questions.

Sincerely,



Ann McGeehan  
Director of Elections